

Testimony Concerning Senate Bill 863 An Act Concerning Juvenile Justice Risk and Needs Assessments

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Committee on Children
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Representative Urban, Senator Bartolomeo, and distinguished members of the Committee on Children:

I am a Policy Fellow at Connecticut Voices for Children, a research-based public education and advocacy organization that promotes the well-being of Connecticut's children, youth, and families.

On behalf of Voices for Children I am here today **to support and to suggest recommendations for Senate Bill 863, An Act Concerning Juvenile Justice Risk and Needs Assessments.** Those involved in Connecticut's juvenile justice system – young women in particular –are some of our state's most vulnerable and at-risk young people. It is imperative that we treat these adolescents fairly and provide them with the opportunities to become productive and successful adults. This proposed legislation amends statute to ensure that a risk and needs assessment classification system will be used for girls as well as boys when determining their placement in secure facilities. **However, this proposed legislation should be amended to ensure that 1) the risk and needs assessment DCF uses is valid, and 2) only high-risk young people are placed in secure facilities. The legislature should also vote to re-invest saved funds back into the DCF budget.**

Current statute requires that DCF use a risk and needs assessment system to determine when boys should be placed in the Connecticut Juvenile Training School (CTJS), the secure locked facility for males. The proposed legislation would make the statute gender neutral, and require that such a classification system be used for all individuals to determine placement in an "appropriate secure treatment setting." This proposed change is important because it ensures that a risk and needs assessment, a critical element in determining the appropriate placement for a young person in the juvenile justice system, will be used for girls as well as boys. However, this proposal also presents an opportunity to review and strengthen the state's juvenile justice practices across the board, for both genders.

First, the legislation should be amended to require that DCF implement a *valid and reliable risk and needs assessment instrument.* In a 2013 study on DCF's Juvenile Services Division, researchers at Georgetown University's Center for Juvenile Justice Reform found that DCF's current assessment instrument is not properly validated for the population it intends to serve, and should be updated for reliability, accuracy, equity, and utility.¹ A valid instrument "accurately distinguishes between subgroups of youth according to the probability that they will engage in delinquent behavior," and thus helps ensure that youth are provided with services that will produce effective outcomes.² In addition, Georgetown recommended that DCF should make certain that the instrument is administered and utilized appropriately by parole officers and other staff.³

Second, the proposal and current statute should be amended to specify that *only children at the highest risk level be placed in a "secure treatment setting."* If ever used, secure facilities should be reserved for only those juveniles with the highest risk level, with "risk" measured by likelihood of re-offending and of endangering the public.⁴ Differentiating risk from need (which, as

discussed, can only effectively happen with a valid risk and needs assessment instrument) is especially critical when serving delinquent girls, who are often survivors of trauma and victimization that preceded their offending behavior. Data from 2009 on Connecticut girls committed to DCF or on parole reveal that 52% had diagnosed trauma disorders, and 89% had more than one diagnosed psychological disorder.⁵ Secure residential facilities, such as DCF's recently opened Pueblo, are unlikely to be the most effective treatment for this high-need population; in fact, "group care treatment cannot be found on any list of evidence-based treatments for youth with serious emotional and behavioral problems. Instead, it has sometimes been cited as a treatment that may potentially have adverse effects."⁶

Furthermore, studies show that placing low-risk but high-need youth in more restrictive placements like Pueblo and CJTS can actually make them more likely to re-offend – undermining a main purpose of the juvenile justice system.⁷ In contrast to best practice, 2010 data show that technical violations (such as not making appointments or violating curfew), **not** serious crimes that indicate high risk level, are "the largest driver of confinement placements" at CJTS.⁸ It is imperative to ensure that what has currently been happening with boys in the juvenile justice system does not happen to girls, as well. Rather, Connecticut should improve its practice for both boys and girls by ensuring that these facilities are used for only the highest-risk level individuals in the juvenile justice system.

Finally, in order to ensure that secure placement facilities are not used only because there are no alternatives, the legislature must vote to provide the funds to enable DCF to expand its continuum of services for all young people. A series of recent reforms, coupled with a national trend of falling foster care populations, has led to a reduction in DCF's appropriation by \$183 million (in inflation adjusted 2013 dollars) from FY09 to FY14.⁹ While many of these reforms (including decreased reliance on incarceration) are positive, the money DCF has saved the state should be reinvested in a robust array of community services, including the development of a full continuum of services for children in the care of DCF.¹⁰ **In particular,** the Center for Juvenile Justice Reform study recommended "increases in intermediate sanctions as an alternative to secure confinement and residential placement."¹¹ The study suggested investments be made in a variety of evidence-based practices, such as: cognitive-behavioral programs, mentoring, group therapy and counseling, behavioral contracting and incentive systems, mediation, family therapy and counseling, restitution, academic programs, peer and individual counseling, and job-related programs.¹² With adequate funding, DCF could improve and expand its community-based services for young people of all genders.

Implementing a valid risk and needs assessment instrument, ensuring that only youth with the highest-risk level are put in the most secure placements, and reinvesting saved funds into DCF will help make sure that Pueblo and CJTS are not being used simply because there are no better alternatives. When young people are served in appropriate, community-based settings and go on to lead productive adult lives, our state saves money on costly and often unnecessary jail-like settings, *and* lives up to its moral imperative to help its young people have a bright future.

Thank you very much for your time and consideration. Please do not hesitate to reach out to myself or any other staff members with any questions.

Thank you,

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¹ See, Marion R. Kelly, MSW, James C. Howell, Ph.D., and Kristen Johnson, Ph.D., "Final Report for the State of Connecticut," CT Department of Children and Families, (June 2013), p.36-40. Available at: http://www.ct.gov/dcf/lib/dcf/juvenile_services/pdf/connecticutparolereport_nov_final.pdf. This publication is part of Georgetown University's Center for Juvenile Justice Reform's "Juvenile Justice System Improvement Project." Connecticut is one of four states participating in the Project. For more information, see <http://cjjr.georgetown.edu/jjsip/jjsip.html>.

² James C. Howell, "Preventing and Reducing Juvenile Delinquency: A Comprehensive Framework, Second Edition," (2009), SAGE Publications, Inc, p. 230.

³ *Ibid.*

⁴ For more on the role of risk, see "Improving the Effectiveness of Juvenile Justice Practices: A New Perspective on Evidence-Based Practice," Center for Juvenile Justice Reform at Georgetown University, (December 2010), available at: <http://forumfyi.org/files/ImprovingEffectivenessofJuvenileJusticePrograms.pdf>. Also see, Marion R. Kelly, MSW, James C. Howell, Ph.D., and Kristen Johnson, Ph.D., "Preliminary Report for the State of Connecticut," CT Department of Children and Families, (June 2013), p.36-40.

⁵ Data from DCF Bureau of Juvenile Services (DCF girlsghinfoin 1-18-09.xls), available at: <http://www.ctjja.org/resources/pdf/GirlsInCTJJSysstem.pdf>. For more on dealing effectively with trauma, see "Building a Trauma-Informed System of Care for Children in Connecticut, presentation to Sandy Hook Commission," Robert Franks, PhD, Connecticut Center for Effective Practice, Child Health and Development Institute, available at: http://www.governor.ct.gov/malloy/lib/malloy/SHAC_Doc_2013.04.26_Franks_presentation.pdf.

⁶ Sigrid James, "What Works in Group Care? – A Structured Review of Treatment Models for Group Homes and Residential Care," Children and Youth Services Review (February 2011); 33(2): 308-321, available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3314708/>.

⁷ Michael Baglivio, "Briefing Report: The Risk Principle," Florida Department of Juvenile Justice Research and Planning, (March 2013), available at: <http://www.djj.state.fl.us/docs/research2/briefing-report-the-risk-principle.pdf?sfvrsn=0>. Also see "Improving the Effectiveness of Juvenile Justice Practices: A New Perspective on Evidence-Based Practice," Center for Juvenile Justice Reform at Georgetown University, (December 2010), available at: <http://forumfyi.org/files/ImprovingEffectivenessofJuvenileJusticePrograms.pdf>, "...subjecting juvenile offenders to punishment beyond that which is inherent in the level of control necessary for public safety is likely to be counter-productive to reducing recidivism." p. 12.

⁸ See, Marion R. Kelly, MSW, James C. Howell, Ph.D., and Kristen Johnson, Ph.D., "Final Report for the State of Connecticut," CT Department of Children and Families, (June 2013), p.2. Available at: http://www.ct.gov/dcf/lib/dcf/juvenile_services/pdf/connecticutparolereport_nov_final.pdf.

⁹ See, Kenneth Feder, Matthew Santacroce, and Sharon Langer, J.D., M.Ed., "Testimony Opposing Appropriations for the Department of Children and Families," (February 14, 2014), available at: http://www.ctvoices.org/sites/default/files/021414_approps_reducedappropsdcf.pdf.

¹⁰ *Ibid.*

¹¹ See, Marion R. Kelly, MSW, James C. Howell, Ph.D., and Kristen Johnson, Ph.D., "Final Report for the State of Connecticut," CT Department of Children and Families, (June 2013), p.31. Available at: http://www.ct.gov/dcf/lib/dcf/juvenile_services/pdf/connecticutparolereport_nov_final.pdf.

¹² *Ibid.*

